

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NOUJOUD ACHKAR and,	:	
JOSEPH ACHKAR, W/H	:	CIVIL ACTION
Plaintiffs,	:	
	:	
vs.	:	
	:	
WISCONSIN CHEESE GROUP, LLC	:	
d/b/a LA MORENITA BRAND and	:	
WALMART, INC.	:	
Defendants.	:	JURY TRIAL DEMANDED

STIPULATION OF UNCONTESTED FACTS

1. Plaintiff is Noujoud Achkar is 78 years old.
2. Plaintiff's husband is Joseph Achkar and they have been married for approximately about sixty years.
3. The Plaintiffs have two sons and one daughter.
4. Plaintiffs were born in Syria.
5. The photographs marked as Exhibit P-2 show the packaging of the La Morenita Queso Fresco cheese that Plaintiff purchased.
6. Plaintiff purchased La Morenita Queso Fresco cheese on the recommendation of a friend.
7. Plaintiff consumed the cheese prior to her hospitalization on May 2, 2017.
8. Defendant Walmart, Inc. is a business corporation organized under the laws of the State of Delaware with corporate offices at 702 Southwest 8th Street in Bentonville, Arkansas.
9. Defendant Wisconsin Cheese Group, LLC d/b/a La Morenita Brand is a Wisconsin limited liability company with corporate headquarters at 105 3rd Street in Monroe, Wisconsin 53566.

10. Defendant Walmart, Inc. is in the business of selling retail products to consumers throughout the United States.

11. Defendant Wisconsin Cheese Group, LLC is in the business of producing and selling cheese products including in Pennsylvania.

12. Defendant Wisconsin Cheese Group, LLC sells its cheese products to Defendant Walmart, Inc.

13. Defendant Wisconsin Cheese Group, LLC's cheese products are distributed to Walmart stores including the Walmart store at Whitehall, PA.

14. The cheese was packaged in a closed and sealed plastic package.

15. Ms. Achkar presented to Lehigh Valley Hospital on May 2, 2017, was discharged on May 15, 2017 and then readmitted on May 15, 2017 and discharged on June 6, 2017.

16. Noujoud Achkar's case was referred to the Pennsylvania Department of Health, Bureau of Laboratories.

17. The Pennsylvania Department of Health did an investigation and retrieved all food items in the refrigerator of Plaintiffs' home.

18. Results of the Pennsylvania Department of Health testing found only the open Wisconsin Cheese Group product positive for Listeria monocytogenes.

19. Listeria monocytogenes are the causative agent of listeriosis.

20. Its growth is not inhibited by refrigeration.

21. Listeria is a pathogen that there is a zero tolerance for in the United States.

22. The La Morenita Brand Queso Fresco cheese purchased by the Plaintiff, Noujoud Achkar was manufactured by the Defendant Wisconsin Cheese Group, LLC on January 18, 2017 with a corresponding sell by date of April 18, 2017.

23. The Plaintiff opened the package and consumed the cheese described above prior to her hospitalization on May 2, 2017.

24. The Plaintiff, Noujoud Achkar became ill and was brought to the Lehigh Valley Hospital on May 2, 2017 at 7:46 a.m.

25. The La Morenita Brand Queso Fresco cheese that was purchased by the Plaintiff, Noujoud Achkar and manufactured by the Defendant Wisconsin Cheese Group, LLC on January 18, 2017 with a corresponding sell by date of April 18, 2017 was retrieved by the Pennsylvania Department of Health on May 8, 2017 from the Plaintiffs' refrigerator.

26. The La Morenita Brand Queso Fresco cheese that was purchased by the Plaintiff, Noujoud Achkar and manufactured by the Defendant Wisconsin Cheese Group, LLC on January 18, 2017 with a corresponding sell by date of April 18, 2017 tested positive for Listeria monocytogenes.

27. On May 3, 2017, the Plaintiff, Noujoud Achkar's cerebral spinal fluid tested negative for Listeria monocytogenes.

28. On May 4, 2017, the Plaintiff, Noujoud Achkar's blood cultures tested positive for Listeria monocytogenes.

29. The Gharibian Farm Armenian String Cheese retrieved from the Plaintiffs' refrigerator tested negative for Listeria monocytogenes.

30. Besides the La Morenita Brand Queso Fresco cheese that was consumed by the Plaintiff, Noujoud Achkar and manufactured by the Defendant Wisconsin Cheese Group, L.L.C. on January 18, 2017 with a corresponding sell by date of April 18, 2017 taken from the Plaintiffs' refrigerator, all other food items taken from the Plaintiffs' refrigerator and tested for listeria monocytogenes tested negative.

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